

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 30 SEP 2005

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Applicant's or agent's file reference PWO051537		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/US2004/018512		International filing date (day/month/year) 10.06.2004		Priority date (day/month/year) 10.06.2003
International Patent Classification (IPC) or national classification and IPC A61J7/04, H05K1/00				
Applicant MEADWESTVACO CORPORATION ET AL.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 10.01.2005		Date of completion of this report 04.10.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Cametz, C Telephone No. +31 70 340-3434 		

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-10 as originally filed

Claims, Numbers

1-18 as originally filed

Claims, Pages

1-16 received on 11.04.2005 with letter of 11.04.2005

Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	9-15
	No: Claims	1-8,16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

- D1: WO 00/18350 A (EHRENSVAERD JAKOB ; CYPAK AB (SE); GRIP STINA (SE)) 6 April 2000 (2000-04-06)
D2: EP-A-1 214 924 (FLESCHNER WILHELM ; HAFNER DIETER (DE)) 19 June 2002 (2002-06-19)
D3: US 2002/017996 A1 (NIEMIEC MARK A) 14 February 2002 (2002-02-14)

2. As far as the independent claims 1, 5, 9 may be understood in view of their lack of clarity (see item VIII below), the following is respectfully submitted.

2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and discloses (see, page 4, lines 18 to 30, and figures; the references in parentheses applying to this document):

2.1.1 a package with electronic circuitry, comprising:

a first card (54) comprising at least one open cell (58);
a second card (72) comprising at least one protruding receptacle having an open side, wherein said protruding receptacle is matingly nested within said open cell;
a third card comprising a first closed cell, mated to said second card (72) *such that said first closed cell spans across said open side* (derivable from page 4 lines 26 and 27); and
a fourth card (56) comprising a second cell (62) and circuitry (60), mated to said third card *such that said second closed cell is breachably aligned with said first closed cell*;
wherein said cards are non conductive

It is in fact unambiguously derivable from D1, that the blister package (70) is

made of blisters (72) and a closing foil.

The closing foil is not mentioned **as such** but is unambiguously derivable from the description of D1, first of all because without a closing foil, a "withdrawal region" for the blisters (as mentioned on page 4 lines 26 and 27 of D1) could not exist, then because it appears necessary to provide a closing foil to form the complete blister package.

Furthermore it obviously appears that the cards in D1 (sheets, blisters, withdrawal region for the medicine in the blister, cover) are non conductive, because the arrangement of said cards in combination with the conductors (conductor (60) and associated circuit) does not allow any other technical possibility (it would, namely, not be possible to place a conductive card on top of the conductors without creating a short circuit).

- 2.1.2 This disclosure therefore corresponds to the subject-matter of claim 1, which is not new in the sense of Article 33(2) PCT.
- 2.2 Concerning independent claim 5, it appears that it defines the same general subject-matter as independent claim 1, but with a different wording. In view of that, the objection of lack of novelty raised for claim 1 (see paragraph 2.1. above) applies *mutatis mutandis* to claim 5.
3. Concerning the subject-matter of independent claim 9, the document D1 is considered to represent the most relevant state of the art and discloses (see D1, page 4, lines 18 to 30, and figures; the references in parentheses applying to this document):
- 3.1 a package with electronic circuitry, comprising:
a first card (70) comprising at least one protruding receptacle (72) having an open side;
a protective layer (derivable from page 4 lines 26 and 27, see also paragraph 2.1.1 above) mated to said first card *such that said protective layer spans across said open side*; and
a second card comprising a closed cell (62), and circuitry (60); and,

wherein said second card is mated to said first card (figures)

from which the subject-matter of claim 9 differs in that the protective layer of the blister is conductive; and in that the second card is with a dielectric overlay *such that said dielectric overlay is adjacent to said protective layer and said closed cell is breachably aligned with said open side.*

- 3.2 The problem to be solved by the present invention may therefore be regarded as preventing electrical interferences between blister and electronic circuitry.
- 3.3 The solution proposed in claim 9 of the present application can however not be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Features of a dielectric overlay associated with a conductive protective layer of a blister is described in document D3 as providing the same advantages as in the present application (see especially paragraph [0035], and the beginning of paragraph [0036] of D3).

It is also clearly described in said document D3 that in the case of a non-conductive protective layer of the blister, the dielectric overlay is not necessary (such as disclosed in the present application, as well).

The skilled person would therefore regard it as a normal option to include this feature in the package arrangement described in document D1 in order to solve the problem posed.

4. Concerning the subject-matter of independent claim 16, the document D1 is regarded as being the closest prior art and discloses (see D1, page 4, lines 18 to 30, and figures; the references in parentheses applying to this document):
- 4.1 a method of monitoring the removal of an item from a receptacle, comprising:
providing a receptacle (54) with an open side to receive and store an item;
inserting said item (72) into said receptacle (54);
blocking said open side with a first card (70) comprising a first breachable gate (page 4 lines 26 and 27);

mating a second card (56), comprising a circuit that spans a second breachable gate (62), to said first card such that said first and second breachable gates are aligned, forcing said item from an end opposite said open side, through said breachable gates to break said circuit (60),
recording the event of breaking said circuit, and
removing said item from said receptacle
wherein said cards are non conductive.

- 4.2 This disclosure corresponds to the subject-matter of claim 16, which is therefore not new in the sense of Article 33(2) PCT (see also the comments made in respect of claim 1 in paragraph 2.1.1 above).
5. Dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see D1, page 4, lines 18 to 30, and figures, for claims 2 to 4, 6 to 8, 10 to 15; and D3, paragraphs [0035], [0036], [0038], and figures, for claims 10 to 15.

Re Item VIII

Certain observations on the international application

1. The application does not meet the requirements of Article 6 PCT, because claims 1, 5, 9, 15 are not clear.

Some of the features in the apparatus claims 1, 5, 9, 15 relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features (see for example the expressions: "is matingly nested within", "is mated to", "is applied"). The intended limitations are therefore not clear from these claims, contrary to the requirements of Article 6 PCT.

2. For the present examination report, it is assumed that dependent claim 12 should be read: "wherein said **second** card includes an electronic monitoring device, receiving area in communication with said circuitry", because of the dependency of claim 12 on claim 9.

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(SEPARATE SHEET)**

International application No.

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